

IN THE UNITED STATES FEDERAL DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

HENRY THOMAS  
Defendants.

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CR. NO. 2:06cr294WKW

**MOTION TO ALLOW OUT OF TIME MOTION**

COMES, James R. Cooper, Jr. who moves that this Court to allow Mr. Thomas to file a MOTION IN LIMINE out of time and states in support thereof as follows:

1. This case was originally set for trial April 23, 2007.
2. A PRETRIAL CONFERENCE ORDER was issued February 20<sup>th</sup>, 2007. That Order stated that Motions in Limine must be filed April 16, 2007, or seven days before trial.
3. This case was continued until August 6, 2007, by Order of this Court dated March 8, 2007, due to the substantial amount of evidence being provided by the government. No provision was made in the Order for extending the time to file Motions.
4. After having gone through all the government's discovery, including listing to hours and hours of taped conversations, hours and hours of videos and hundreds of pages of paper discovery, counsel for the defendant is now compelled in the interest of justice to file a Motion in Limine.
5. That Motion is filed well within the time limit provided in the PRETRIAL CONFERENCE ORDER which was seven days before the actual trial. The government is not prejudiced as the time limits as still being met.

Wherefore the defendant requests the following relief:

1. That the Court allow Motions utilizing the time periods contained in the initial PRETRIAL CONFERENCE ORDER, and allow motions to be filed.

2. All other appropriate relief.

RESPECTFULLY SUBMITTED,

s/James R. Cooper, Jr. (COO021)  
COOPER & COOPER  
Attorney for Defendant  
312 Scott Street  
Montgomery, AL 36104  
(334) 262-4887

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12 th day of July, 2007, I have served a copy of the foregoing **MOTION FOR OUT OF TIME MOTIONS** upon Ms. Susan Redmond , Asst. U.S. Attorney, P.O. Box 197, Montgomery, Alabama 36101 and by electronic case filing, by placing a copy of same in the United States Mail properly addressed and postage prepaid.

s/James R. Cooper, Jr. (COO021)